

Statement of Mutual Understanding Between the United States and the Republic of Korea on the No Gun Ri Investigations

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1. Review Process

1.a. The No Gun Ri Incident Review was initiated at the direction of the presidents of the Republic of Korea and the United States following the release of the Associated Press report concerning the matter on September 29, 1999. This story brought to the forefront the earlier efforts of Korean citizens to gain an inquiry into their claims surrounding certain events that occurred in the vicinity of No Gun Ri, including the firing upon Korean refugees at the double railroad overpass and an air strike on the railroad track.

1.b. The efforts of the Korean and U.S. No Gun Ri Review Teams exemplify the highest levels of ROK-U.S. bilateral cooperation. Throughout the duration of this important and sensitive endeavor, both teams established and steadfastly sustained an environment of mutual cooperation and trust. The Korean and American Officials associated with this effort consistently demonstrated their commitment to examine the facts and circumstances surrounding the events. Both teams have candidly shared facts, statements and documents.

1.c. The passage of 50 years reduces the possibility that all of the facts will ever be known and a large number of factors, including but not limited to trauma, age, and media influence the recollection of Korean and U.S. witnesses.

1.d. Nevertheless, this process will add to a strengthened ROK-U.S. alliance and honor the many of both nations who sacrificed so much for the freedom of the Republic of Korea. Civilian casualties are, without exception, the most tragic of the unintended consequences of conflict. South Korean citizens and soldiers of both nations bore heavy burdens in the summer months of 1950 as a result of North Korean aggression. This review process, characterized by diligent fact-finding, will provide closure for the past and bring hope for the future.

2. ROK-U.S. Mutual Understandings

2.a. Background of the Incident and Combat Situation.

2.a.(1) In the early period of the conflict, many of the U.S. soldiers deployed to Korea were young, under-trained, under-equipped and new to combat. Units operating in the vicinity of No Gun Ri were under the command and control of leaders with limited proven experience in combat. They were unprepared for the weapons and tactics of the North Korea forces that they would face and the speed of the North Korean advance.

2.a.(2) U.S. soldiers were legitimately fearful of the possible infiltration of North Korean soldiers who routinely entered American lines in groups disguised as civilians in refugee columns and then attacked American positions from the rear.

2.a.(3) Following the withdrawal of U.S. forces, and entry of the North Korean army into Yongdong, the North Koreans continued to maintain contact with the U.S. ground forces east of Yongdong by means of intermittent patrols and indirect fire as the 1st Cavalry Division continued its rearward movement to Naktong River.

2.a.(4) North Korean tanks were on what is now Highway 4 east of Yongdong during the last week of July 1950. U.S. soldiers believed that some of the U.S. anti-tank weaponry available to them was ineffective against the North Korean armor.

2.a.(5) The 2nd Battalion, 7th Cavalry Regiment, shortly after arriving in the Yongdong area, conducted a disorganized and undisciplined retreat toward the vicinity of No Gun Ri during the night of July 25/26 1950. The retreat occurred as a result of several factors including: a mistaken belief of an imminent enemy breakthrough due to the emergence of the enemy, the possibility of encountering North Korean tanks, and the awareness of North Korean infiltration tactics. The organization, disoriented and in disarray, reorganized in the vicinity of No Gun Ri throughout the day on the 26th. The unit completed its consolidation and reorganization in the vicinity of No Gun Ri by the early morning of the 27th of July, when it reported its position.

2.b. Refugee Control

2.b.(1) At the outset of the war, the lack of ROK government refugee control measures resulted in significant confusion and difficulties in controlling refugee movement.

2.b.(2) By July 20, 1950, after the Taejon Battle, refugee control was a major concern of the U.S. and ROK forces. In late July 1950, the ROK government and Eighth U.S. Army, in close coordination, began to disseminate refugee control policies to protect the U.S. and South Korean forces as well as refugees and reduce the impact of road-bound refugees on military operations.

2.c. Assembly and Movement of Villagers at Im Ke Ri and Joo Gok Ri

2.c.(1) With certain exceptions, U.S. and ROK policy restricting movement of refugees was established in late July 1950. However, some U.S. veterans testified that, at some point, they escorted Koreans from their villages, in an effort to get them out of harm's way or to clear them away from U.S. ground positions.

2.c.(2) Some Korean witnesses asserted in their testimony that U.S. soldiers escorted an unspecified number of refugees from Im Ke Ri, a safe village in the mountains on or about the night of 25 July, toward the No Gun Ri area, via Joo Gok Ri along what is now Highway 4. U.S. veterans do remember escorting refugees from villages, but they cannot recall the names of places or dates.

2.c.(3) Some Korean witnesses stated that they saw refugees killed on July 25th when refugees were directed by U.S. forces to stay in an open area near Ha Ga Ri, 1.5km from the village of Joo Gok Ri. Various Korean witnesses state that one to four persons were shot when they either strayed from the group, tried to leave the group or did not move fast enough. The review could not confirm what soldiers were involved, nor whether this action was a reaction to a violation of refugee control measures in effect at the time.

2.c.(4) Some US and Korean witness statements say that Korean refugees came in contact with US forces in the vicinity of No Gun Ri as they both moved east. As they moved from Yongdong toward Hwanggan, the refugees passed from the road to the railroad tracks. Some U.S. veterans and Korean witnesses recalled that U.S. forces directed refugees to the railroad tracks, conducted searches for infiltrators, weapons and other contraband. Other veterans and Korean witnesses had no recollection of searches being conducted.

2.d. Air Strikes

2.d.(1) According to their statements in the testimony, many Korean witnesses indicate that they were strafed or bombed by U.S. airplanes around noon on July 26, 1950. Some U.S. veterans stated that they saw U.S. planes strafing targets in late July 1950 and some of these veterans saw them when deployed in the No Gun Ri area, but they could not recall when or identify what the targets were. Some veterans saw planes strafe tanks with refugees on or near them in July 1950. One veteran stated that on an unknown date he saw refugees on a dirt road and an old railroad being strafed.

2.d.(1)(a) Official U.S. Air Force records and pilot interviews found during research do not reflect any mission flown on the 26th July in the vicinity of No Gun Ri. The 5th Air Force Summary of Air Operations indicated that some missions were flown over the Yongdong area on that day, but mission reports for three of these missions could not be found.

2.d.(1)(b) Additionally, analysis of the August 6, 1950 reconnaissance photograph shows an area of probable strafing on the railroad tracks in the area indicated by the Korean witnesses. There is no way of determining the exact date of the probable strafing.

2.d.(1)(c) Early in the morning on July 27, 1950, an air strike did, in fact, take place in the 1st Battalion, 7th Cavalry Regiment area in the vicinity of No Gun Ri.

2.d.(1)(d) The Review could, therefore, not exclude the possibility of an air strike occurring on July 26th in the vicinity of No Gun Ri.

2.d.(2) Air Force records show that U.S. Air Force jet aircraft flying at the time did not carry bombs whereas propeller-driven aircraft did. While some Korean witnesses stated that the aircraft directly attacked refugees, others have stated that they only recall explosions and machine gun fire and other munitions effects, including shrapnel, flames and heat. Official records indicate that U.S. and North Korean Army forces did exchange artillery and mortar fire in the vicinity of No Gun Ri between July 27 and July 29 1950. Eight U.S. veterans remember either artillery, mortar or tank fire in the vicinity of No Gun Ri.

2.d.(3) Some Korean witnesses stated that U.S. soldiers called in air strikes on the refugees by use of a radio available to U.S. ground forces at the time. Both Review Teams agree that, on July 26, 1950, the ordinary U.S. ground soldier was equipped only with a portable radio and was incapable of talking directly to an Airborne Tactical Air Controller and requesting an air strike. Army units could submit a request for an air strike but had to pass it through channels to the Joint Operations Center. The processing time for such a request could not have resulted in a prompt response.

2.d.(4) In a memo dated 25 July 1950, Colonel Turner C. Rogers of 5th Air Force Headquarter stated that: "It is reported that large groups of civilians, either composed of or controlled by North Korean soldiers, are infiltrating U.S. positions. The Army has requested that we strafe all civilian refugee parties that are noted approaching our positions. To date, we have complied with the Army request in this respect." None of the pilots interviewed, however, remembers such a policy.

2.e. Ground Fire and Issuance of Orders

2.e.(1) U.S. ground forces fired toward refugees in the vicinity of No Gun Ri during this period.

2.e.(1)(a) At some time between July 26th and 29th, 1950, some U.S. soldiers fired toward the refugees who were at various locations including inside the double overpass. They did so either to control the refugees' movements or because they believed that they had received small arms fire from those locations. As a result, an unknown number of refugees were killed or injured.

2.e.(1)(b) In July 2000, a ROK forensic team found various U.S. bullets and the bullet marks on the walls of the double railroad overpass tunnel and the culvert. Moreover, the team found both U.S. and Soviet bullets, empty cartridges, and other fragments in the vicinity of the double overpass.

2.e.(1)(c) Some Korean witnesses state that most refugees were from Im Ke Ri and Joo Gok Ri and some other people came from outside Im Ke Ri to the village. Some Korean witnesses state that they knew most of them in the group that went down the road to No Gun Ri.

2.e.(1)(d) Some Korean witnesses stated that U.S. soldiers either gave them first aid or evacuated them to a hospital. The ROK Review Team indicates that 17 people received medical aid. One U.S. veteran saw medical aid being given to individuals in civilian clothing under the double railroad overpass when he carried a child back down under the bridge.

2.e.(2) All the veterans interviewed by the U.S. Army who fired at refugees stated that they did not receive any order to fire. Some other veterans, however, stated that they believed that such an order must have been given. While a comprehensive search of records and these veterans' interviews did not disclose any evidence of the issuance of such an order, some other veterans, who themselves did not fire at refugees, assumed that there must have been an order to fire on refugees because they observed small arms, machine guns, mortar and artillery fire at refugees.

2.e.(3) The message log of the 8th Cavalry Regiment contains an entry of message from a regimental liaison officer on 24 July 1950 about guidelines on shooting refugees to prevent them passing through US front lines. But, whether an order to fire was made could not be determined because records of other regiments do not show such guidelines and thus discrepancy among interview accounts exists.

2.f. Number of Casualties. Because of the passage of 50 years and the effects of the conflict, the statements of Korean witnesses and U.S. veterans about the number of refugees killed, injured or missing as the result of the events in the vicinity of No Gun Ri vary widely. The Koreans have reported to the Office of Yong Dong County an unverified number of 248 Korean civilians killed, injured or missing while the testimony of U.S. veterans supports lower numbers.

3. Conclusion of the Review

Bearing in mind the enduring suffering of the victims, the Korean and American Review Teams mutually understand that :

In the desperate opening weeks of defensive combat in the Korean War, U.S. soldiers killed or injured an unconfirmed number of Korean refugees in the last week of July 1950 during a withdrawal under pressure in the vicinity of No Gun Ri. The diligent and conscientious bilateral efforts of both countries in this review represent a significant contribution to the maintenance of the vital and long-standing ROK-U.S. alliance. Bearing in mind the long-lasting sorrow of victims as well as the sacrifice of U.S. soldiers during the Korean War, the ROK and U.S. teams firmly believe that this investigation on an incident that occurred during the Korean War will not only help maintain a more stable ROK-U.S. alliance but also is an example of two nations working together to realize the value of democracy and recognize the importance of human rights.